



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,321	03/24/2004	Takuya Kawamura	251010US2SRD	4005

22850 7590 04/30/2007  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
----------

WENDELL, ANDREW

ART UNIT	PAPER NUMBER
----------	--------------

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/30/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/30/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

## Office Action Summary

**Application No.**

10/807,321

**Applicant(s)**

KAWAMURA, TAKUYA

**Examiner**

Andrew Wendell

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (US Pat# 2002/0137529).

Regarding claim 1, Takahashi's image transfer system teaches a storage to store a plurality of images (Sections 0030, 0055-0058); a reception unit 110 and 112 (Fig. 3, Sections 0036 and 0051) configured to receive a plurality of image acquisition requests S507-S515 (Figs. 5 and 6) within a predetermined time S508, S512 and S513 (Figs. 5 and 6), the requests being transmitted from another wireless communication apparatus in accordance with a camera control protocol for exchanging information relating to images (Sections 0051-0062); a selection unit S516 or S516A (Fig. 6) configured to select, in response to the image acquisition requests S507-515 (Figs. 5 and 6), one of the plurality of images stored in the storage (Sections 0030, 0055-0058) and to output information relating to the one of the plurality of images until the predetermined time elapses S512, S513, and S518 (Fig. 6); and a transmission unit 110 and 112 (Fig. 3, Sections 0036 and 0051) configured to transmit at least one response to the another

wireless communication apparatus 300 (Fig. 4) in accordance with the camera control protocol, where information relating to the one of the plurality of images that is selected by the selection unit is contained in the response S517 and S518 (Fig. 6 and Sections 0051-0063).

Regarding claim 2, Takahashi teaches wherein the selection unit selects the one of the plurality of images randomly (Sections 0051-0063).

Regarding claim 3, Takahashi teaches wherein the information relating to the one of the plurality of images that is selected by the selection unit comprises one of information on image contents, information on processed image contents and information on image attributes (Sections 0051-0063).

Regarding claim 4, Takahashi teaches wherein the transmission unit transmits a set of responses to the another wireless communication apparatus 300 (Fig. 4) in response to a series of continuous image acquisition requests S507, S509, S510, S511 (Figs. 5 and 6) from the another wireless communication apparatus, the set of responses containing identical information relating to the one of the plurality of images that is selected by the selection unit (Sections 0051-0063).

Regarding claim 5, Takahashi teaches a timer S508, S512, S513, S516, and S518 (Figs. 5 and 6) which starts when a first one of the series of continuous image acquisition requests is received, and wherein the transmission unit continues to transmit the set of responses unless the timer times out END (Fig. 7, Sections 0051-0063).

Regarding claim 6, Takahashi teaches a measurement unit configured to compare a first time with a second time to measure a time difference, the first time being a time at which the reception unit has received a first image acquisition request S507 and S508 (Fig. 5), and the second time being a time at which the reception unit has received a second image acquisition request following the first image acquisition request S510-S513 (Fig. 6), and wherein the selection unit is configured to select another image, when the time difference is not more than a threshold S516 (Fig. 6).

Regarding claim 7, Takahashi teaches a first determination unit S508 (Fig. 5) configured to determine whether or not the one of the plurality of image acquisition requests identification information on an image S507 (Fig. 5); and a second determination unit S516 or S516A (Fig. 6) configured to determine whether or not the image has already been selected by the selection unit S517 (Fig. 6), and wherein if the second determination unit determines that the image has already been selected by the selection unit, the transmission unit transmits the corresponding identification information on the image instead of currently selecting another image and transmitting a current identification information on the image (Sections 0051-0063).

Regarding claim 8, Takahashi teaches a timer S508, S512, or S513 (Figs. 5 and 6) which starts when the image acquisition request, requesting the identification information on the image, is received, and wherein the transmission unit continues to transmit the corresponding identification information on the image unless the timer times out END (Fig. 7, Sections 0051-0063).

Regarding claim 9, method claim 9 is rejected for the same reason as apparatus claim 1 since the recited elements would perform the claimed steps.

Regarding claim 10, method claim 10 is rejected for the same reason as apparatus claim 2 since the recited elements would perform the claimed steps.

Regarding claim 11, method claim 11 is rejected for the same reason as apparatus claim 3 since the recited elements would perform the claimed steps.

Regarding claim 12, method claim 12 is rejected for the same reason as apparatus claim 4 since the recited elements would perform the claimed steps.

Regarding claim 13, method claim 13 is rejected for the same reason as apparatus claim 5 since the recited elements would perform the claimed steps.

Regarding claim 14, method claim 14 is rejected for the same reason as apparatus claim 6 since the recited elements would perform the claimed steps.

Regarding claim 15, method claim 15 is rejected for the same reason as apparatus claim 7 since the recited elements would perform the claimed steps.

Regarding claim 16, method claim 16 is rejected for the same reason as apparatus claim 8 since the recited elements would perform the claimed steps.

Regarding claim 17, computer program claim 17 is rejected for the same reason as apparatus claim 1 since the recited elements would perform the claimed steps.

Regarding claim 18, computer program claim 18 is rejected for the same reason as apparatus claim 2 since the recited elements would perform the claimed steps.

Regarding claim 19, computer program claim 19 is rejected for the same reason as apparatus claim 3 since the recited elements would perform the claimed steps.

Regarding claim 20, computer program claim 20 is rejected for the same reason as apparatus claim 4 since the recited elements would perform the claimed steps.

Regarding claim 21, computer program claim 21 is rejected for the same reason as apparatus claim 5 since the recited elements would perform the claimed steps.

Regarding claim 22, computer program claim 22 is rejected for the same reason as apparatus claim 6 since the recited elements would perform the claimed steps.

Regarding claim 23, computer program claim 23 is rejected for the same reason as apparatus claim 7 since the recited elements would perform the claimed steps.

Regarding claim 24, computer program claim 24 is rejected for the same reason as apparatus claim 8 since the recited elements would perform the claimed steps.

***Response to Arguments***

Applicant's Remarks	Examiner's Response
"Thus, Takahashi does not describe "a wireless communication apparatus, comprising...a reception unit configured to receive a plurality of image acquisition requests within a predetermined time" as recited in pending Claim."	Takahashi clearly teaches receiving a plurality of image acquisition requests ("multiple thumbnail image requests," Sections 0053 and 0058). These requests are done in a predetermined time or else the action is ended S508, S512, and S513 (Figs. 5 and 6). A predetermined time can mean any time; there is no boundary set of the actual time limit as stated in the claims. So, of course there is a predetermined

	time with any action done.
"Further, Takahashi also does not describe a "selection unit configured to select, in response to the image acquisition requests, one of the plurality of images stored in the storage and to output information relating to the one of the plurality of images until the predetermined time elapses" as recited in pending Claim 1."	Again, as stated above, Takahashi teaches a plurality of images and predetermined time elapses. Also, Takahashi clearly teaches selecting one of the plurality of images that is stored to output information relating to one of the plurality of images (Sections 0059-0060). In Takahashi the user can obtain the information of a plurality of images and then can select to have one or multiple images transmitted from storage to the user (Sections 0055-0060). Again, this is done in a predetermined time elapses or else the action will end. Any time limit can be considered a predetermined time elapse since the claims are not specific to a certain time limit.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



Art Unit: 2618

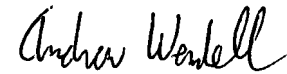
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Wendell  
Examiner  
Art Unit 2618

4/18/2007



NAY MAUNG

SUPERVISORY PATENT EXAMINER